

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JUSTIN M. HICKOX,	:	No. 4:16-cv-00534
	:	
Petitioner,	:	(Judge Brann)
	:	
v.	:	
	:	
TAMMY FERGUSON, <u>et al.</u> ,	:	
	:	
Defendants.	:	

**ORDER**

**AND NOW**, this 18<sup>th</sup> day of October, 2016, **IT IS HEREBY ORDERED**

that:

1. The October 7, 2016 Report and Recommendation submitted by United States Magistrate Judge Karoline Mehalchick, ECF No. 19, is **ADOPTED**.
2. Plaintiff's Motion to Dismiss , ECF No. 16, is **GRANTED**.
3. All claims against Defendant PA-C Leahey are **DISMISSED WITH PREJUDICE**.
4. Plaintiff's Unopposed Motion for Order Referring to Mediation, ECF No. 17, is **GRANTED**.

5. Defendant Dr. Xue's Motion to Dismiss, ECF No. 12, is **HELD IN ABEYANCE**, pending the outcome of mediation.
6. Judge Mehalchick's March 30, 2016 Order referring this case to the Prison Litigation Settlement Program, ECF No. 3, is **RENEWED** and shall apply with full force and effect, except as otherwise provided herein.
7. The Clerk of Court is directed to forward a copy of this Order, as well as a copy of the most updated docket sheet, to Plaintiff.
8. The Clerk of Court is further directed to forward a copy of this Order to Joseph Barrett, in the Scranton division of this Court, who shall refer this matter to the appropriate mediation.

BY THE COURT:

/s Matthew W. Brann  
Matthew W. Brann  
United States District Judge